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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/569,790	11/14/2006	Eugenio Ferreira Da Silva Neto	FERR3003 /FJD	6622
23364	7590	09/22/2010	EXAMINER	
BACON & THOMAS, PLLC			SU, SARAH	
625 SLATERS LANE			ART UNIT	
FOURTH FLOOR			PAPER NUMBER	
ALEXANDRIA, VA 22314-1176			2431	
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			09/22/2010	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/569,790	<b>Applicant(s)</b> DA SILVA NETO, EUGENIO FERREIRA	
	<b>Examiner</b> Sarah Su	<b>Art Unit</b> 2431	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 12, 15 and 17-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12, 15 and 17-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **FINAL ACTION**

1. Amendment A, received on 9 July 2010, has been entered into record. In this amendment, claims 12, 15, 19, 21, and 22 have been amended, and claims 13, 14, and 16 have been canceled.
2. Claims 12, 15, and 17-22 are presented for examination.

### ***Oath/Declaration***

3. It is noted that the oath/declaration submitted on 14 November 2006 is inconsistent with the application data sheet filed 27 February 2006 and the priority document PCT/EP04/07978, which list Don Cummings as an inventor.

### ***Information Disclosure Statement***

4. The information disclosure statement filed 27 February 2006 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because it does not include an English translation of all foreign documents. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

***Response to Arguments***

5. With regards to the objection of the specification, the applicant has submitted amendments, and the examiner hereby withdraws the objection.

6. With regards to the objection to claims 14 and 19, the applicant has submitted claim amendments, and the examiner hereby withdraws the objection.

7. Applicant's arguments filed 9 July 2010 have been fully considered but they are not persuasive.

As to claim 12, it is argued by the applicant that Buttridge does not disclose of "said electronic identifier is a signature and the signature serves for the signing of electronic documents" and "the signature is entered by the user by hand via said display." The examiner respectfully disagrees. Buttridge discloses that a customer signs a signature capture device (i.e. entered by the user by hand via display) as part of transaction data and image data (i.e. signing of electronic documents) (0030, lines 3-12; 0031, lines 1-8). It is noted that applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 12, 17, and 20-22 rejected under 35 U.S.C. 102(b) as being anticipated by Buttridge et al. (US 2003/0033252 A1 and Buttridge hereinafter).

As to claim 12, Buttridge discloses a system and method for check processing using blank checks at a point-of-sale, the system and method having:

**a registering unit serving as an electronic identifier of a user, which enables a definite identification of the user (0048, lines 1-5, 22-25);**

**means for connecting said registering unit to the field device of process automation technology (0024, lines 1-5);**

**wherein said electronic identifier is a signature (0030, lines 3-6) and the signature serves for the signing of electronic documents (0030, lines 8-12);**

**said registering unit has a display (0030, lines 3-6) and the signature is entered by the user by hand via said display (0030, lines 3-6).**

As to claim 17, Buttridge discloses:

**wherein: the input unit is implemented as a field device (0024, lines 1-5).**

As to claim 20, Buttridge discloses:

**wherein: the input unit is connectable to a communications network**  
(0024, lines 5-19).

As to claim 21, Buttridge discloses:

**wherein: electronic documents shown on said display can, using**  
**inputs via the display, be signed, and/or annotated, in handwriting by the**  
**user** (0030, lines 6-12).

As to claim 22, Buttridge discloses:

**wherein: annotations to the electronic documents are saved such**  
**that they are unchangeable, and/or provided with the clock-time of the**  
**input** (0033, lines 1-9).

10. Claim 18 is rejected under 35 U.S.C. 102(b) as being anticipated by Lerche et al.  
(US 2002/0088620 A1 and Lerche hereinafter).

As to claim 18, Lerche discloses a system and method for interactive and/or secure  
activation of a tool, the system and method having:

**means for storing an electronic signature of the user therein, and**  
**wirelessly transmitting the signature to said registering unit** (0022, lines 1-3;  
0027, lines 3-7; 100, 134, 136, Figure 1).

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Buttridge as applied to claim 12 above, and in view of Lerche.

As to claim 15, Buttridge fails to specifically disclose:

**a portable transmitter,**

**wherein: the signature is transferred from said portable transmitter**

**via radio transmission to said registering unit.**

Nonetheless, these features are well known in the art and would have been an obvious modification of the teachings disclosed by Buttridge, as taught by Lerche.

Lerche discloses:

**a portable transmitter** (0022, lines 1-3),

**wherein: the signature is transferred from said portable transmitter**

**via radio transmission to said registering unit** (0022, lines 1-3; 0027, lines 3-7; 100, 134, 136, Figure 1).

Given the teaching of Lerche, a person having ordinary skill in the art at the time of the invention would have readily recognized the desirability and advantages of modifying the teachings of Buttridge with the teachings of Lerche by transmitting a signature wirelessly. Lerche recites motivation by disclosing that using wired communications

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limits the communication options of operators (0004, lines 12-14). It is obvious that the teachings of Lerche would have improved the teachings of Buttridge by transmitting a signature using radio transmissions in order to increase the communications options of operators.

13. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Buttridge as applied to claim 12 above, and in view of Skowron et al. (US 2004/0039706 A1 and Skowron hereinafter).

As to claim 19, Buttridge fails to specifically disclose:

**wherein: the input unit satisfies the FDA certification regulations 21**

**CFR Part 11 Rules.**

Nonetheless, this feature is well known in the art and would have been an obvious modification of the teachings disclosed by Buttridge, as taught by Skowron.

Skowron discloses a system and method for digitally authenticating facility management reports, the system and method having:

**wherein: the input unit satisfies the FDA certification regulations 21**

**CFR Part 11 Rules (0037, lines 1-3, 19-24).**

Given the teaching of Skowron, a person having ordinary skill in the art at the time of the invention would have readily recognized the desirability and advantages of modifying the teachings of Buttridge with the teachings of Skowron by satisfying FDA regulations. Skowron recites motivation by disclosing that following the FDA's rules for digital signatures allows the system to provide paperwork to ensure the validity and

legality of the signatures (0037, lines 19-24). It is obvious that the teachings of Skowron would have improved the teachings of Buttridge by following the FDA regulations in order to ensure the validity and legality of the signatures.

### ***Conclusion***

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah Su whose telephone number is (571) 270-3835. The examiner can normally be reached on Monday through Friday 7:30AM-5:00PM EST..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/William R. Korzuch/  
Supervisory Patent Examiner, Art Unit 2431

/Sarah Su/  
Examiner, Art Unit 2431